



PATENT  
BSC-011

#34  
B. Webb  
3/12/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Crowley  
SERIAL NO.: 08/922,263 GROUP NO.: 3739  
FILING DATE: September 2, 1997 EXAMINER: D. Shay  
TITLE: INTERVENTIONAL PHOTONIC ENERGY EMITTER SYSTEM

Assistant Commissioner for Patents  
Washington, D.C. 20231

COMMUNICATION

Sir:

This will confirm the telephonic discussion that took place on February 7, 2002 between the undersigned and the Examiner. Regarding the Office Action issued on December 13, 2001 and the restriction requirement contained therein, the undersigned explained that we do not traverse the restriction, but prefer examination of the Group II claims (namely, claims ~~1~~, 4-12, 14, 15, 17, 20-30, 32-44, 47-50, 52, 53, and 60-63), and not, as the Examiner assumed, Group I. Accordingly, the Examiner agreed to reissue the Office Action and examine the claims of Group II, and confirmed that no response to the Office Action mailed on December 13, 2001 is necessary or expected.

Please charge any fee required by this paper to our Deposit Account No. 20-05

Respectfully submitted,

Steven J. Frank  
Attorney for Applicant  
Testa, Hurwitz, & Thibault, LLP  
High Street Tower  
125 High Street

Date: February 8, 2002  
Reg. No.: 33,497

Tel. No.: (617) 310-8108  
Fax No.: (617) 248-7100

3739




PATENT  
Attorney Docket No.: BSC-011  
(1002/19)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Crowley  
SERIAL NO.: 08/922,263 GROUP NO.: 3739  
FILING DATE: September 2, 1997 EXAMINER: D. Shay  
TITLE: Interventional Photonic Energy Emitter System

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any documents referred to as enclosed herein, are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the, Assistant Commissioner for Patents and Trademarks, Washington, DC 20231 on the 8<sup>th</sup> day of February, 2002.

  
Diane Racicot

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Submitted herewith are:

1. Transmittal Form (1 page);
2. Communication (1 page);
3. Return receipt postcard.

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# TRANSMITTAL FORM

Application Serial Number	08/922,263
Filing Date	September 2, 1997
First Named Inventor	Crowley
Group Art Unit	3739
Examiner Name	D. Shay
Attorney Docket No.	BSC-011
BATCH NO. (after allowance)	Not applicable
Patent No.	Not applicable
Issue Date	Not applicable

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences
<input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]	<input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal	<input type="checkbox"/> Status Inquiry
<input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations	<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
	<input type="checkbox"/> Small Entity Statement	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)
	<input type="checkbox"/> CD(s) for large table or computer program	<input checked="" type="checkbox"/> Communication (1 pg)
	<input type="checkbox"/> Amendment After Allowance	
	<input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	

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## CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110  
Tel. No.: (617) 248-7000  
Fax No.: (617) 248-7100

## SIGNATURE BLOCK

Respectfully submitted,  
  
Steven J. Frank  
Attorney for the Applicant  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110

Date: February 8, 2002  
Reg. No. 33,497  
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